

RESPONSE TO COUNCIL QUESTIONS RE: 9/15/2020 CITY COUNCIL AGENDA

Agenda Item #: 1.D

Title: Adopt a Resolution to Summarily Vacate a Portion of a Slope Easement at 1390 Borregas Avenue

Council Question: I think I understand what we are doing here. I get that it deals with an 18-foot slope. I am trying to figure out how long of a Vacated Easement this is.

Is it approx. 560 feet of 18-foot slope along Borregas and Caribbean? Attachment 3 - pages 3 & 4 of 11

$170+324+\text{Radius corner of } 78 = 572$. The radius piece is what makes the math complicated.

Staff Response: The outside length of this slope vacation is 547.29', inside length of 546.11'.

Agenda Item #: 1.E

Title: Adopt a Resolution to Summarily Vacate a Portion of a Slope Easement at 212 Gibraltar Drive

Council Question: Similar question as Item 1.D.

Is the length of this Vacated Easement approx. 204 feet?

Staff Response: The outside length of this slope vacation is 219.05', inside length is 214.99'.

Agenda Item #: 1.G

Title: Adopt a Resolution Confirming a Local Emergency Order of the Director of Emergency Services Regarding Allowing Temporary Outdoor Business Activities on Private and Public Property in the City of Sunnyvale in Response to Public Health Concerns Because of the Novel Coronavirus (COVID-19)

Council Question: Page 5 of Attachment 1 has a list of allowed furnishings such as movable tables, chairs, etc. In other nearby cities I have also seen businesses temporarily put out exercise bicycles, a portable exercise/dance floor, and a fake grass mat with small sofas. None of these are allowed by the order. If a Sunnyvale business wants to temporarily put out items not listed in the order but in the spirit of the order, how do they seek approval?

Staff Response: Yes, they are allowed. The complete set of guidelines can be found [here](#). The order does not specifically call out exercise bicycles, portable exercise/dance floors, and artificial grass, but we would allow it. A business would need to contact the Community Development Department for approval for furniture that is not listed.

Agenda Item #: 1.H

Title: Ratify the Appointments of Mayor Larry Klein and Vice Mayor Nancy Smith to the Santa Clara County Unhoused Task Force as the City of Sunnyvale Representatives

Council Question: Could Staff please provide list of people from all Cities that have been appointed to the Unhoused Task Force?

Staff Response: View list of Unhoused Task Force appointees in Attachment 1.

Agenda Item #: 3
Title: Award of Bid No. PW20-02 to Robert A. Bothman Construction for Fair Oaks Park Renovation & Enhancement and Magical Bridge Playground, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Approve Second Amendment to Consultant Services Agreement with Magical Bridge Foundation, and Approval of Budget Modification No. 6

Council Question: One of the pieces of this item is to "increase the City's contribution to \$2,301,500". Am I reading Page 3 of 5 correctly and this is an increase of 341,500?

Staff Response: Yes, the current contribution is \$1,960,000. An increase of \$341,500 is requested to bring the new total to \$2,301,500. The breakdown of the funding for the All Inclusive Playground is provided in the RTC as:

<u>All-Inclusive Playground Project Budget (832780)</u>	
\$2,301,500	Park Dedication Fund (modified as described above)
\$1,290,000	Magical Bridge Foundation Contribution
\$1,000,000	County of Santa Clara All-Inclusive Playground Grant
\$4,591,500	Total

To date \$500,000 has been spent on the project.

Council Question: On page 2 of 5, it lists several cost saving items that are being enacted. For safety reasons, how much would it cost to add Item 3 "Remove chain link roof from dugouts", back into the project?

Staff Response: The designer estimates that the cost could be around \$25,000 to install the chain link dugout roofs. Staff has not reached out to the contractor to obtain a price. The current City practice is to not install chain link roofing for dugouts; if a roof is desired, the various leagues would be responsible for installation and maintenance (subject to City approval). Most recently, the leagues have been putting up tarps or shade sail type covers over the dugouts for shade at the beginning of each season and removing at upon season completion.

Agenda Item #: 4
Title: Proposed Project: General Plan Amendment Initiation request to consider amending the General Plan designation from Commercial to Medium Density Residential on two sites totaling 1.2-acres. Location: 1313 S. Wolfe Road (APN: 309-10-026 and 309-10-027) File #: 2020-7031 Zoning: C-1 (Neighborhood Business)/PD (Planned Development) General Plan: Commercial Applicant / Owner: 4Terra Investments (applicant) / Desmond Family Real Estate Limited Partner (owner) Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(a). Project Planner: Mary Jeyaprakash, (408) 730-7449, mjeyaprakash@sunnyvale.ca.gov

Council Question: This site is very close to a large amount of C-2 zoning along El Camino, which is higher density than the site's C-1 zoning. Where else do we have C-1 zoning near C-2 zoning, such as C-1 adjacent to or across the street from C-2?

Staff Response: C-1 sites are located throughout the City, primarily at the “corners” of neighborhoods where major arterial roadways cross. C-2 zoned sites are primarily along El Camino Real, however there are C-2 areas along Mathilda Avenue (north of Maude), on Wildwood Avenue (hotel site), and on Bernardo Avenue (close to El Camino Real); all three of these C-2 areas are adjacent to C-1 zoning districts. There are also two C-2 zoned locations not on El Camino Real and not adjacent to nor close to C-1 zoned areas (Tasman/Fair Oaks and Wolfe Rd/Stewart).

Council Question: Staff wants commercial use for this area, but the applicant claims commercial development/use is not feasible. Does staff believe commercial development/use is feasible and if so, then what data or report is staff basing this opinion on?

Staff Response: There are many different types of commercial uses allowed in the C-1 zoning district; staff does not know the extent of uses that have been explored by this applicant. See response below for some history of land use applications on the site. The City's Land Use and Transportation Element (LUTE) guides growth in the City for the next 15-20 years and what may be the most feasible to develop today may not be what is feasible in 5 years, or 10 years. It is important that the City maintain properties for a healthy mix of uses for many reasons including lowering VMT by providing opportunity for convenient commercial uses within existing neighborhoods. As discussed in the report to the Planning Commission, there are Economic Development concerns associated allowing this site to change to residential. Wolfe Road is one of the most highly traveled roads in Sunnyvale and it provides tremendous visibility to commercial business. Commercial businesses need a location with lots of traffic and visibility, while residential projects do not. The City needs to maintain an inventory of commercially zoned properties. If City allows extensive conversion from commercial to residential, commercial businesses will be forced to move out or not locate in the City. Businesses benefit from having other businesses in proximity. Residents benefit from having commercial options throughout the community.

Council Question: Is hotel use not feasible on these properties? If not, why not? If so, why was a hotel project not brought forth instead?

Staff Response: To allow a hotel on the site the zoning designation would require a rezone to C-2 (highway business) and would be subject to a Use Permit. A C-2 zoning designation would allow many more uses on the site than originally anticipated for a neighborhood commercial property and would also allow greater height (up to 75 feet in C-2 and 40 feet in C-1). C-2 zoning would not in itself guarantee that a hotel would be built. The market will influence what C-1 or C-2 uses are proposed, and ultimately built. Staff discussed a hotel option with the applicant however did not find that a hotel would be compatible with surrounding uses, that the area already has several hotels (an existing hotel across Wolfe Rd., plus there are two hotels currently under construction on El Camino Real, within two blocks of this site) and that there may be difficulty in creating a good circulation pattern on this fairly narrow site.

Council Question: If Council were to vote for the GPA initiation, what would be the total cost associated with allocating the work of a new GPA study? If the applicant were to pay for all or a portion of this cost, would that speed up the study?

Staff Response: The applicant would already be required to cover the costs of the study, through: 1) application fees to cover City costs (staff time, noticing, etc.) and 2) all costs associated with external studies and reports (where outside consultants are retained). The total costs are unknown, at this time.

Council Question: How many GPA studies do we currently have ongoing or in the pipeline?

Staff Response: There are three very large area plan updates (a form of General Plan Amendment) which take up the majority of staff hours for studies: El Camino Real Specific Plan (most costs are covered by an MTC Grant), Lawrence Station Area Plan (most costs are City general funding which could be recovered with specific plan fees), and the Moffett Park Specific Plan (being funded by major property owners in Moffett Park). In addition, we are working on General Plan Amendments to our Noise and Air Quality Elements and will start working on the mandated Housing Element update next year. There are two pending site specific General Plan Amendment applications (Morse/Ahwanee and Block 20 of the Downtown Specific Plan). In addition to the subject site, there is one other application for a General Plan Amendment initiation pending. If initiated, the subject site would not likely be a priority project due to limited staff resources.

Council Question: I understand the Wendy's to have a renovation due in 2023 per its franchise agreement with the parent company. If the GPA initiation is denied, then it seems the property would stay a Wendy's for the foreseeable future as the owner would not want to redevelop after making investments in renovations. If this happens, then it is most likely that the only change to this area could be on the vacant property. If the Wendy's stays as is, what type of development does staff envision for the vacant property if any and what data/report is this opinion based off of?

Staff Response: Staff envisions a development that is compatible with the C-1 zoning district on the vacant site. There was an application for a retail store (auto parts) approved in 2015 and an office building was approved for the site in 2001, however both permits expired. The site has been vacant over 30 years.

Council Question: The applicant has shown interest in a potential development agreement with the City where the City could use the Wendy's property/building as a community room or some type of City re-purposed use. Why was this not included in the staff reports to both the Planning Commission and to the Council? If Council were interested in this option and voted to allow the GPA study initiation, could this possibility be included per Council direction? Or how does staff want to see that as a motion?

Staff Response: The concept of a community room or city-use was brought up after the applicant was advised that staff was not going to recommend approval of the GPI. Staff finds that preservation of the commercial site took priority and did not see a need for additional community space in this part of the City. If accepted for community space, the City would need to develop and program the space.

A Development Agreement (DA) is a tool that the City Council could consider; the DA would define benefits to the City and the developer.

Council Question: With regards to the GPA study initiation, would Council have to specify the parameters of the potential use of the land in the study in terms of density? For example, if Council was not in favor of townhomes but wanted to see density in the form of condos/apartments, would the motion need to be changed to reflect this interest?

Staff Response: Typically, Council specifies the density parameters as part of a General Plan Amendment initiation: between X and Y units per acre (or up X units per acre) and whether a mixed use (retail) option should be considered. The Council may want to consider the surrounding densities which are medium density (up to 24 units per acre) along Wolfe Road, high density (up to 36 units per acre) on the property to the west of the subject site (with access from Fremont Avenue and Kingfisher Way), and the gas station (C-1) to the north. Standard zoning would not enable the Council to specify what type of development they want on the site (rental vs, ownership; townhomes vs flats, etc.).

Agenda Item #: 5

Title: Adopt a Resolution Authorizing the City to Enter into a Loan Agreement with the United States Environmental Protection Agency up to the amount of \$221,000,000 and Authorize the City Manager to Execute the Loan Agreement and Related Documents and Pay All Closing Costs

Council Question: The loan has a prepayment requirement for certain excess reserves after FY 2034/35. If the wastewater enterprise one day receives a large deposit of funds (from a grant, new loan, bond sale, etc.) for an upcoming capital project, that deposit might temporarily increase reserves and trigger the prepayment requirement. Does staff have any concerns about the prepayment requirement limiting our future ability to seek grants, loans, or sell bonds?

What was the most recent year-end balance of wastewater enterprise reserves compared to operation and maintenance costs for that fiscal year?

Staff Response: The loan agreement allows flexibility for the City to make the determination of what is in excess of certain reserves. Continuing with the example, if the City received funding for a capital project, those funds would be reserved or restricted for that project and not available as part of the prepayment calculation. The prepayment will be triggered if the City has met all of its operational, capital, and reserve needs and still has excess funds. The most simplistic way to look at it is to look at what the balance is in the Wastewater Enterprise's Rate Stabilization Reserve. For FY 2018/19 (we are still closing FY 2019/20) that amount was \$25.8 M. The City's operations and maintenance costs for that same year were \$21.3 M so the prepayment would not be triggered. The Rate Stabilization Reserve would have needed to have a balance of \$43.6 M (twice ops plus one million to trigger the prepayment).

UNHOUSED TASK FORCE

The Unhoused Task Force was established to focus on identifying and contributing to feasible strategies to address homelessness, including transitional and short-term housing solutions.

Established on June 23, 2020 by resolution of the Board of Supervisors.

Seat 1 – A Member of the Board of Supervisors as Chair

Seat 2 – A Member of the Board of Supervisors

Seat 3 – The Executive Director of the Santa Clara County Cities Association

Seat 4 – The Executive Director of the Santa Clara County Housing Authority

Seats 5 thru 19 – The Mayor or a City Council member of [one seat each for Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga and Sunnyvale].

Seats 20 thru 21 – A member of the public with experience living unhoused.

Seats 22 & 23 – A member of the public at large who represents a recognized neighborhood association.

Seats 24 thru 26 – A member of the public who represents a philanthropic organization or other funder.

Seats 27 thru 30 – A member of the public at large.

The Task Force shall exist through June 30, 2021.

UNHOUSED TASK FORCE

- Seat 01** Name: Cindy Chavez
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A Member of the Board of Supervisors as Chair.
Seat Type: Permanent
Date Appointed: 7/21/2020
- Seat 02** Name: Susan Ellenberg
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A Member of the Board of Supervisors.
Seat Type: Permanent
Date Appointed: 7/21/2020
- Seat 03** Name: Andi Jordan
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Executive Director of the Santa Clara County Cities Association.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 04** Name: Katherine Harasz
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Executive Director of the Santa Clara County Housing Authority.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 05** Name: Anne Bybee
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Campbell.
Seat Type: Permanent
Date Appointed: 8/11/2020

- Seat 06** Name: Steven Scharf
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Cupertino.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 07** Name: Dion Bracco
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Gilroy.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 08** Name: Yvonne Martinez Beltran
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Morgan Hill.
Seat Type: Permanent
Date Appointed: 9/1/2020
- Seat 09** Name: Rob Sinks
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Cupertino.
Seat Type: Permanent
Date Appointed: 9/1/2020
- Seat 10** Name: Karina Dominguez
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Milpitas.
Seat Type: Permanent
Date Appointed: 9/1/2020

- Seat 11** Name: Bob Nunez
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Milpitas.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 12** Name: Liz Lawler
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Monte Sereno.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 13** Name: Rich Constantine
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Morgan Hill.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 14** Name: Lucas Ramirez
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Mountain View.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 15** Name: Raul Peralez
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of San Jose.
Seat Type: Permanent
Date Appointed: 9/1/2020

- Seat 16** Name: Maya Esparza
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of San Jose.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 17** Name: Teresa O'Neill
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Santa Clara.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 18** Name: Nancy Smith
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Sunnyvale.
Seat Type: Permanent
Date Appointed: 9/1/2020
- Seat 19** Name: Larry Klein
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: The Mayor or a City Council member from the City of Sunnyvale.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 20** Name: Lee Clark
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public with experience living unhoused.
Seat Type: Permanent
Date Appointed: 8/11/2020

- Seat 21** Name: Lisa Reeve
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public with experience living unhoused.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 22** Name: Antonina Ettare
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large who represents a recognized neighborhood association.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 23** Name: Kelsey Banes
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large who represents a recognized neighborhood association.
Seat Type: Permanent
Date Appointed: 8/11/2020
- Seat 24** Name: Brian Franklin
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public who represents a philanthropic organization or other funder.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 25 Name: Samina Sharp
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public who represents a philanthropic organization or other funder.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 26 Name: Diane Stepanoff
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public who represents a philanthropic organization or other funder.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 27 Name: Crystal Cooper
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 28 Name: Randal Pham
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 29 Name: Anthony Tyrone King
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large.
Seat Type: Permanent
Date Appointed: 8/11/2020

Seat 30 Name: Jerome Shaw
Current Appointing District: Board As-a-Whole
Current Term Expiration Date:
Qualify: A member of the public at large.
Seat Type: Permanent
Date Appointed: 8/11/2020